

## **8.0 SPECIAL DISTRICTS**

### **8.1 WATERFRONT INDUSTRIAL OVERLAY DISTRICT (WIOD)**

**8.1.1 Purposes.** The purposes of the Waterfront Industrial Overlay District (WIOD) are to promote economic development in the Waterfront and Airport Related Overlay Districts; to enhance the working waterfront and to preserve adequate areas for deep-water shipping and other water dependent industrial uses; consistent with state policy on Designated Port Areas ("DPAs") to allow compatible commercial and general industrial supporting uses in the Waterfront District; to provide for continuous public access along the water's edge, as appropriate, and to, from, and within the Chelsea Creek DPA; to prevent soil and groundwater pollution and to encourage appropriate interim uses consistent with necessary cleanups; and to allow certain commercial, general industrial, and water dependent industrial uses by special permit to assure more effective environmental protection.

#### **8.1.2 Underlying Uses.**

1. Uses currently prohibited in the underlying districts shall not be allowed in the WIOD, except for airport related uses within the Airport Related Overlay District in accordance with Section 8.2.3 and except as provided below.
2. Uses currently allowed as of right or by special permit, or subject to site plan approval, within the underlying districts, provided that:
  - a. principal uses which occupy a gross floor area and outside intensive use area totaling 30,000 square feet or more are subject to site plan approval pursuant to Section 9.4; and
  - b. where 10,000 square feet or more of principal use activities are outside the building(s), such uses shall require a special permit pursuant to Section

9.3.

**8.1.3 Uses Permitted As of Right.** The uses set forth below are permitted as of right, subject to the following conditions:

(i) such principal uses shall occupy a gross floor area and outside intensive use area totaling less than 30,000 square feet; and (ii) less than 10,000 square feet of the principal use activities shall be located outside the building(s); and (iii) uses allowed under Section \*\*\* shall not be allowed within one thousand linear feet of a public school building.

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1. Harbor and marine supplies and services, chandleries, ship supply, not including bunkering of vessels;
2. Boat storage facilities, including rack storage facilities;
3. Marine-related scientific research and development;
4. Maritime-industrial related museum;
5. Marine office, including without limitation, offices of owners of wharves or their agent, naval architects, and seafood brokers;
6. Institutional uses, including marine research, education and laboratory facilities, not including overnight accommodations;
7. Landscaped Areas; and
8. Accessory uses, customarily incidental and subordinate to the location, function and operation of permitted principal uses, including temporary uses, provided that all such temporary uses on a lot do not exceed a combined total of thirty (30) days per year and that the total floor area utilized for such uses does not exceed 10% of the total floor area or lot area at any given time.

**8.1.4 Uses Authorized after Site Plan Approval.** In addition to those set forth in Section 8.1.2, the following uses may be authorized after site plan approval, provided that less than 10,000 square feet of the principal use activities are outside the building(s):

1. Uses listed in Section 8.1.3 which occupy a gross floor area and outside intensive use area totaling 30,000 square feet or more;
2. Tugboat, fireboat, pilot boat and similar services related to public safety on the Waterfront;
3. Public pedestrian paths, along the water's edge providing marine industrial viewing opportunities and/or points of access to, from, and within the Chelsea Creek DPA;
4. Boatbuilding, including facilities for construction, fabrication, maintenance, and repair of boats not exceeding a length of sixty (60) feet;
5. Boat and accessory sales, services, and rental establishments;
6. Fabrication, storage, and repair of fishing equipment;
7. Facilities for marine construction and salvage;
8. Intermodal transportation terminals and facilities, ferries, excursion facilities, telephone electronic equipment enclosures and other similar structures; and
9. Accessory uses customarily incidental and subordinated to the location, function and operation of permitted principal uses, including temporary uses, provided that all such temporary uses on a lot do not exceed a combined total of thirty (30) days per year and that the total floor area utilized for such uses does not exceed ten percent 10% of

the total floor area or lot area at any given time.

**8.1.5 Uses Authorized by Special Permit.** In addition to those uses set forth Section 8.1.2, the following uses may be authorized by special permit:

1. Uses listed in Sections 8.1.3 and 8.1.4 where 10,000 square feet or more of the principal use activities are outside the building(s);
2. Marine products, wholesaling distribution and retailing;
3. Fabrication of marine related goods, marine industrial welding, marine repair services, marine machine shops and related storage facilities;
4. Boatbuilding and shipbuilding, including facilities for construction, fabrication, and maintenance, and repair of boats and ships exceeding a length of sixty (60) feet;
5. Bulk storage facilities, provided that the use is fully enclosed, including petroleum products storage, and oil and gas distribution facilities but specifically excluding Junk Yard/Facilities and any other unsightly bulk storage uses;
6. Fishing, commercial, and industrial vessel berthing, including docks;
7. Marine-related and supporting light industrial;
8. Enclosed seafood processing, seafood packing and packaging, seafood loading, and seafood distribution;
9. Marine-related wholesale business, warehousing and storage;
10. Facilities for marine pollution control, oil spill

cleanup, and servicing of marine sanitation devices;

11. Fueling and bunkering of vessels;

12. Container shipping operations, marine cargo handling facilities, including docking, loading, and related storage and warehouse;

13. Freight forwarding, including Freight Forwarding Terminals and Motor Freight Terminals;

14. Park and Fly, airport related employees parking, and storage of vehicles for hire or return vehicles for hire; and

15. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted principal uses, including temporary uses, provided that all such temporary uses on a lot do not exceed a combined total of thirty (30) days per year and that the total floor area utilized for such uses does not exceed ten percent (10%) of the total floor area or lot area at any given time.

**8.1.6 Design Standards.** All uses shall comply with the design standards set forth in Section 7.2.9 as may be applicable.

## **8.2 AIRPORT RELATED OVERLAY DISTRICT (AROD)**

**8.2.1 Purpose.** The purpose of the Airport Related Overlay District (AROD) is to provide areas for airport related uses in locations with suitable access to the airport and where such activities can occur without adverse impact upon residential areas.

### **8.2.2 Underlying Uses.**

1. Uses currently prohibited in either of the underlying

districts shall not be allowed in the AROD, except for airport related uses as defined in Section 10.0 and as set forth in Section 8.2.3.

2. Uses currently allowed by right in either of the underlying districts shall continue to be allowed by right in the underlying district within the AROD.

3. Uses currently allowed after site plan approval in either of the underlying districts shall continue to be allowed after site plan approval in that underlying district within the AROD.

4. Uses currently allowed by special permit in either of the underlying districts shall continue to be allowed by special permit in that underlying district within the AROD.

**8.2.3 Airport Related Uses.** In addition to those uses set forth in section 8.2.2, airport related uses may be authorized by special permit. Such airport related uses shall include:

1. Bulk storage of cargo and freight;
2. Storage and/or repair of automobiles, trucks and equipment;
3. Food handling and preparation facilities;
4. Freight forwarding facilities;
5. Other airport related uses as defined in Section 10.

### **8.3 INTERIM PLANNING OVERLAY DISTRICT (IPOD)**

#### **8.3.1 General Regulations.**

1. An IPOD shall be established through text and map

amendment to the Zoning Ordinances and the zoning map(s).

2. An IPOD may operate to suspend and/or amend all or a portion of the existing underlying zoning of an area for the period during which the IPOD is in effect.

3. An IPOD shall be adopted for a specified time period, not to exceed two years.

4. An IPOD may be divided into subdistricts and/or study areas.

5. An IPOD may be extended, amended or repealed, at any time prior to expiration of the specified time period by an amendment to the Zoning Ordinances and the zoning map(s), as appropriate. Upon expiration of the specified time period, the IPOD shall terminate automatically and the existing underlying zoning, as amended through the expiration date, shall apply.

**8.3.2 Recommendation for IPOD.** The City Manager or any other individual or entity charged with the responsibility for planning or the overall governance of Chelsea may recommend the designation of an IPOD. Such recommendation must:

1. Define the physical boundaries of the IPOD;

2. Describe the characteristics of the area which indicate that an IPOD is necessary and appropriate;

3. Set forth a timetable with specified deadlines for conducting the interim planning process and for completing any rezoning of the area;

4. Specify a date, not to exceed two years from the effective date of an amendment establishing the IPOD, for the dissolution of the IPOD;

5. Set forth regulations to control land use in the area

during the specified time period, including without limitation, any regulations suspending the existing underlying zoning;

6. Stipulate which land uses and activities are subject to the provisions of the IPOD, and which land uses and activities, if any, are governed by the existing underlying zoning.

### **8.3.3 SHOPPING CENTER INTERIM PLANNING OVERLAY DISTRICT (SCIOD)**

#### **8.3.3.1. Declaration of Need to re-establish Interim Zoning.**

Interim zoning is necessary to maintain a proper balance between competing land uses in a portion of Chelsea's Shopping Center District and its environs in anticipation of additional planning by the City to respond to economic trends, changes in land use patterns and development objectives. Re-establishment of this interim zoning is intended to address recent and dramatic changes in regional economic pressures and assure that: visual, traffic, access and noise impacts on residential neighborhoods and historic resources are managed; the desires of the City's residents not to be subject to poorly planned large-scale development; the intent of the City's residents to reclaim reasonable public and visual access to its waterfront resources; the need to preserve and protect the City's natural resources; and the need to encourage an economically sound mix of commercial, residential, and light industrial uses; are all taken into greater account in future land use decisions in the Shopping Center IPOD study areas, pending further rezoning. The existing underlying Shopping Center District zoning has outlived its purpose of stabilizing a declining area, and has led to disinvestment that has the potential to encourage uncontrolled development and land uses incompatible with the adjacent resident neighborhoods and the health, safety, and general welfare of the people of the City. The interim zoning is intended to encourage a broader spectrum of land uses in anticipation of the Shopping Center IPOD study area becoming a thriving area that is essential to the revitalization of the City.



#### **8.3.3.2. Physical Boundaries.**

The Shopping Center District IPOD shall be comprised of one geographically distinct district, which shall serve as study and planning areas as described below.

**8.3.3.2.1. Mill Creek Waterfront Neighborhood Subdistrict Study Area**" shall be the study and planning area shown on a map entitled, "Proposed Amendment to the Zoning Map, City of Chelsea," dated February 1st, 2001, to be incorporated into the Official City Zoning Map.

#### **8.3.3.3. Applicability.**

Unless otherwise exempt pursuant to this subsection, no permit to use, alter, construct, reconstruct, or expand any buildings, structures or land within the "Mill Creek Waterfront Neighborhood Subdistrict Study Area" shall be issued by the Building Inspector unless such use, alteration, construction, reconstruction, or expansion is equal or less than a total gross floor area of eight thousand (8,000) square feet.

Proposed projects for which the Zoning Board of Appeals has approved a Special Permit for Planned Development prior to the adoption of the Shopping Center IPOD shall be exempt from such requirements.

The following uses and projects shall also be exempt and instead shall be subject to the underlying zoning, as amended from time to time:

- (i) any proposed project for which application to the Building Inspector for a building or use permit has been made prior to the first notice of public hearing for adoption of these amendments and for which no zoning relief is required provided such permit is exercised within six (6) months and construction proceeds continuously to completion; and
- (ii) any proposed project for which application for zoning relief has been made prior to the first notice of public hearing for adoption of this amendment, provided that such zoning relief is granted thereafter pursuant to such

application and is exercised within six (6) months and construction proceeds continuously to completion;

**8.3.3.4.           Zoning Regulations in Effect; Conflict Provisions.**

In the event of a conflict between the Shopping Center IPOD and the underlying zoning, the Shopping Center IPOD shall govern. Upon expiration of this Shopping Center IPOD, the existing underlying zoning, as amended through the expiration date and including such zoning districts as remain in effect, shall be the sole set of zoning regulations for the Shopping Center IPOD subdistrict study areas.

**8.3.3.5.           Purposes, Goals, and Objectives in Mill Creek Waterfront Neighborhood Subdistrict Study Area.**

In addition to the general purposes, goals and objectives recited above in Section 4.7.4.1., the Mill Creek Waterfront Neighborhood Subdistrict Study Area is intended to protect the surrounding residential districts from the negative effects of further intrusion of poorly planned commercial uses to create a more urban, sustainable and integral development plan; to utilize the environmental, recreational, and economic potential offered by the Mill Creek environs; to provide for safe, continuous open space and public access along the water's edge at Mill Creek; to expand the city's tax base; and to enhance the physical environment.

**8.3.3.6.           Interim Use Controls, Design Review Guidelines, Intensity Regulations.**

**8.3.3.6.1.           Underlying Uses.**

**8.3.3.6.1.1.**           Uses currently prohibited in the underlying districts shall not be allowed in the Shopping Center IPOD.

**8.3.3.6.1.2.**           Uses currently allowed by site plan approval within the underlying district shall be allowed, provided that principal uses which occupy a gross floor area and outside intensive use area totaling more than 8,000 square feet are prohibited, unless proposed as part of a Planned Development in

Accord with Section 7.3.5 and Special Permit in Accord with Section 7.3.

**8.3.3.7. Design Review, Intensity Regulations, Permitted Uses**

All uses, including underlying uses, permitted subject to Site Plan Approval in Accord with Section 7.2., and/or permitted on a Special Permit in Accord with Section 7.3, and/or Change in Use in Accord with Section 6.2 shall comply with Design Review Guidelines set forth in Section 7.3.5.5 (f)., as applicable.

Intensity Regulations for the site of a Planned Development shall have a minimum of 25 contiguous acres above the high water line in the Shopping Center IPOD, which acreage shall be of a shape deemed reasonable for the purpose of the Department of Planning and Development.

Permitted Uses for the site of a Planned Development shall encompass a combination of each of the following uses: residential, office, retail, restaurant, hotel and open space in accord with the provisions of Section 7.3.5.4 and 7.3.5.5.

**8.3.3.8. Enforcement.**

The Building Inspector shall not issue any building permit or change of use permit for a proposed project subject to this Section 4.6.4, unless the proposed project is in accord with this Section 4.6.4. and with the performance standards of Section 6.9.

**8.3.3.9. Subsequent Amendments.**

While in effect, this subsection (or portions of this subsection) may be repealed or superseded by subsequent amendments to either this subsection or to the underlying zoning.

**8.3.3.10. Timetables for Shopping Center IPOD Study Area and Related Rezoning.**

A comprehensive rezoning of the Shopping Center IPOD study areas shall be completed within the timetable set forth below, unless extended by the City Manager.

**8.3.3.10.1.** Mapping of existing uses, ownership, and zoning, and the identification of uses will be completed within six (6) months of the enactment of an IPOD from the date to enactment.

**8.3.3.10.2** Establishment of rezoning land use objectives desired densities and uses for an IPOD study areas will be completed within nine (9) months following enactment of the IPOD.

**8.3.3.10.3** The hearing on any proposed zoning changes will be completed within eighteen (18) months from the enactment of an IPOD.

**8.3.3.11. Severability.**

If any provision or section of these amendments shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or sections of these amendments and such remaining provisions and sections shall continue in full force and effect.

**8.4 WIRELESS COMMUNICATIONS FACILITIES OVERLAY DISTRICT (WCFOD)**

**8.4.1 Purpose.** The purpose of this section is to establish areas in which monopole structures for wireless communication equipment, hereinafter referred to as wireless communications facilities (WCF) may be provided while protecting unique community character. The WCFOD has been created (a) to provide for safe and appropriate siting of wireless communications facilities consistent with the Telecommunications Act of 1996, and (b) to minimize visual impacts from such facilities on residential districts and scenic areas.

**8.4.2 Location.** The WCFOD shall be located as follows: In all Districts except Residence 1 and Residence 2 Districts.

**8.4.3 Applicability.** The WCFOD shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning shall remain in full force and effect, except as may be specifically superseded herein or except as otherwise unavailable options are provided herein.

**8.4.4. Uses as of Right.** Equipment facilitating wireless communications, such as antennae, dishes, and other devices, may be attached to an existing building or structure, or to an existing WCF as of right, provided that site plan review is obtained from the Planning Board, and subject to the conditions set forth below.

1. Equipment may be placed upon or inside existing buildings or structures, including water tanks and towers, church spires, electrical transmission lines, and the like. In such cases, the equipment height shall not exceed five (5) feet above the height of the existing structure or building.

**8.4.5 Special Permit.** WCFs may be erected in the WCFOD upon the issuance of a special permit by the Board of Appeals upon a finding that the proposed WCF will not cause substantial detriment to the city or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

1. communications needs served by the facility;
2. traffic flow and safety, including parking and loading;
3. adequacy of utilities and other public services;
4. impact on neighborhood character, including aesthetics;
5. impacts on the natural environment, including visual impacts;

6. potential fiscal impact, including impact on city services, tax base, and employment;

**8.4.6 Conditions.** All WCFs shall be subject to the following conditions:

1. To the extent feasible, service providers shall co-locate on a single facility. Monopoles shall be designed to structurally accommodate foreeeable users (within a ten year period) where technically practicable.

2. New free-standing WCFs shall be limited to monopoles; no lattice towers shall be permitted. Monopole height shall not exceed 100 feet above mean finished ground elevation at the base of the mounting structure; provided, however, that a monopole may be erected higher than 100 feet where co-location is approved or proposed, not to exceed a height of 140 feet above mean finished ground elevation at the base of the mounting structure.

3. New monopoles shall be considered only upon a finding that existing or approved monopoles or WCFs cannot accommodate the equipment planned for the proposed monopole.

4. All structures associated with WCFs shall be removed within one year of cessation of use. The Board may require a performance guarantee to effect this result.

5. The WCF shall minimize, to the extent feasible, adverse visual effects on the environment. The Planning Board may impose reasonable conditions to ensure this result, including painting, lighting standards, landscaping, and screening. Existing on-site vegetation shall be preserved to the maximum extent practicable.

6. Traffic associated with the WCF shall not adversely affect public ways.

7. Fencing may be required to control unauthorized entry to the WCF.

8. The setback of the WCF from the property line shall not be less than Fifty (50) feet.

**8.4.7 Submittal Requirements.** As part of any application for a special permit, applicants shall submit, at a minimum, the information required for site plan approval, as set forth herein at Section 9.4. Applicants shall also describe the capacity of the WCF, including the number and types of antennas that it can accommodate and the basis for the calculation of capacity.